

REMARKS

Request for Reconsideration

The Applicants have carefully considered the matters raised by the Examiner in the outstanding Office Action, but remain of the position that patentable subject matter is present. The Applicants respectfully request reconsideration of the Examiner's position based on the amendments to the claims and the following remarks.

Claim Status

Claims 1-11 and claims 13-20 are pending. Claims 1, 2 and 3 have been amended herein. These amendments will be discussed in detail, below.

Claim Rejections – 35 U.S.C. § 112

Claims 1, 3-11, 13-17 and 20 had been rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the enablement requirement. The Examiner stated that the limitation “the first ring gear is formed in one piece with the drive wheel or output component” in claim 1, lines 17-18 is not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Applicants respectfully disagree. Support for the limitation in claim 1 exists in the specification. On page 4, lines 6-9, the specification states “...at least one of the gears of the ring gear-spur gear pairing is formed in one piece with the drive wheel or output component.” The statement inherently incorporates the first ring gear by stating “one of

the gears of the ring gear-spur gear pairing” since the ring gears are referred to in the statement. Thus, support exists in the specification for the limitation.

Also, claims 1-11 and 13-20 had been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. More specifically, the limitation “the spur gear” in line 8 of claims 1 and 2 and the limitation “the first ring gears” in line 17 of claim 1 lack antecedent basis and, thus, render the claimed subject matter indefinite.

Claims 1 and 2 have been amended herein to provide proper antecedent basis.

Prior Art Rejections

Five prior art rejections had been made, namely: (1) Claims 1, 4-6, 8, 13, 14 and 20 had been rejected under 35 U.S.C. § 103(a) as being unpatentable over Elrod, *et al.* (U.S. Patent 5,417,186); (2) Claims 2, 4-6, 13, 14, 18, 19 and 20 had been rejected under 35 U.S.C. § 103(a) as being unpatentable over Elrod ('186); (3) Claim 11 had been rejected under 35 U.S.C. § 103(a) as being unpatentable over Elrod ('186) in view of design choice; (4) Claims 7 and 8 had been rejected under 35 U.S.C. § 103(a) as being unpatentable over Elrod ('186) in view of Decristofaro, *et al.* (U.S. Patent 7,144,468); and (5) Claim 3 had been rejected under U.S.C. §103(a) as being unpatentable over Elrod ('186) in view of design choice.

The present invention is distinguishable from Elrod independently or in combination with cited prior art for a number of reasons.

Claim 1 recites that the first ring gear and the drive wheel are connected fixedly or that the first ring gear and the output component are formed as one component. Such an arrangement in the present invention reduces the number of parts, which in turn optimizes the weight and cost of manufacture. Moreover, a smaller axial installation space is required for the present invention.

Elrod does not teach or suggest the ring gear is directly connected to either the drive wheel or the output component. Elrod discloses three gears (40, 50 and 60), none of which are directly connected to the drive wheel or output component. The first internally splined member (40) of Elrod is fixed to a collar flange (45) of a shaft collar (44) by a plurality of screws (46). As noted in the specification of Elrod, as a result of the connection, the first internally splined member (40) and the collar flange (45) are integrally connected and must move in unison. (see, Elrod, col. 9, lines 23-29). Similarly, the second internally splined member (50) is fixed by another collar flange (53) of an outer shaft collar (51) by screws (55). The outer shaft collar is integrally formed with a second rotatable member in the form of outer shaft (20) and, therefore, must move in unison with outer shaft (20). (see, Elrod, col. 9, lines 55-61). Finally, the third internally splined member (60) is integrally connected to a motor mount collar (63). None of the internally splined members can be physically connected to the output component (35) as they are all smaller in diameter than the output component and the shaft collars and motor mount collar separate the internally splined components from the output component. This is especially the case for the first internally splined member (4), which has the smallest diameter of the three internally splined components. The components separating the internally splined members cannot merely be removed to allow the internally splined components to be

connected directly to the output component without changing the structural characteristics of the internally splined members. Also, the shaft collars (44 and 51) and the motor mount collar serve additional purposes to the overall design of Elrod. Removing the components would significantly alter the structure of Elrod rendering it unusable without extensive structural redesign. Thus, it would not have been obvious to one of ordinary skill in the art at the time the invention was made to simply form the first ring gear (internally splined member 40) and the output component (35) in Elrod into a single piece component.

Turning to claim 2, claim 2 recites two bearing journals, which are radially disposed opposite each other, are attached to the adjustment shaft and bear against two regions of the elastic sleeve lying opposite one another. The bearing journals are used to deform the elastic sleeve. Elrod does not show such a design.

Elrod discloses a ball-bearing assembly (81) which deforms the first flexible cylindrical member (70) which engages respective splines 52 and 62 of the second and third internally splined members respectively, in the vicinity of both ends of the major axis of the ball-bearing assembly (81). (see Elrod, col. 12, lines 23-28). Elrod only discloses one bearing journal bearing against a region of the elastic sleeve. Elrod does not disclose two bearing journals which bear against two regions of the elastic sleeve lying opposite one another. The Examiner noted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized a roller bearing for each of the bearing journals. However, again, Elrod only discloses 1 ball-bearing assembly (81). Thus, Elrod does not disclose the use of two bearing journals as is disclosed in the present

invention, and therefore, the present invention is distinguishable from and patentable over Elrod.

Moreover, as shown in Figure 7 of the present invention, roller bearings (13'') are located external of the bearing journals (13''), between the bearing journals and the elastic sleeve (18), and bearings are also located internal of the bearing journals. Elrod does not disclose such a configuration. Elrod only teaches a plurality of balls (84) located internal to the ball-bearing assembly (81) (see, Elrod, Fig. 7). Elrod does not disclose an additional plurality of balls located external to the bearing journals, between the bearing journals and the elastic sleeve. It would not have been obvious to one of skill in the art at the time of the invention to modify Elrod to incorporate the design of the present invention. The ball-bearing assembly of Elrod securely fits within the overall design. Modifications to Elrod to incorporate the use of additional bearing would be unnecessary and, if attempted would required structural modifications that would be more extensive than would have been obvious to one of skill in the art at the time of the invention. Thus, the present invention as disclosed in claim 2 is distinguishable from Elrod and patentable over Elrod.

The secondary references of Decristofaro does not cure the defects in Elrod, thus, it is submitted that the claims are patentable over the cited references taken alone or in combination.

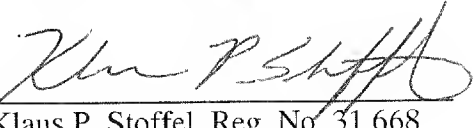
Conclusion

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and such action is respectfully requested. Should any extensions of time or fees be necessary in order to maintain this Application in pending condition,

appropriate requests are hereby made and authorization is given to debit Account Number 02-2275.

Respectfully submitted,

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